

## **REMARKS**

This application has been carefully reviewed in view of the above-referenced Final Office Action. The undersigned has reviewed the Examiner's position and the claims and respectfully submits that the Office Action is in error. No amendments are made in the present response, but a clean copy of the claims are submitted herein for the Examiner's convenience. Reconsideration is requested in view of the prior and following remarks.

### **Regarding the Rejections under 35 U.S.C. §103**

Applicants reiterate the prior arguments from the prior Office Action response.

The Colligan reference is the primary reference used in all rejections in this action. In particular, the process described in col. 7, lines 35-59 describing the process of Fig. 7, and col. 11, lines 48-57 are pointed out as teaching portions of Applicants' claims.

The undersigned reiterates that the process of Fig. 7, as described in Colligan, is a "multi-layer encryption process". In Colligan, content is pre-encrypted at the source using single DES encryption and then later double DES encrypted at the server (the order of single or double DES encryption may be reversed). The resulting content is, therefore, triple encrypted. That is, the content is encrypted to produce first encrypted content. The first encrypted content is then encrypted again so that it is double encrypted. The double encrypted content is then encrypted again to produce triple encrypted content. Inherently, this means that three keys are required to decrypt the content.

Colligan explicitly states at col. 7, lines 56-59 that "As long as the subscriber station has the three keys required, it will be able to fully decrypt (706) the triple-DES encryption to obtain the unencrypted video program". Hence, in order for the user to access the encrypted content, three separate keys must be used to decrypt, then decrypt again, then decrypt a third time the encrypted content. This process differs dramatically from the claimed invention and in no way teaches or suggests the process carried out as claimed. It is Colligan that explicitly requires three keys, whereas Applicants only require one, but in either case, the number of keys needed flows inherently from the encryption technique.

Applicants' claims call for a single segment to be duplicated so that each copy is encrypted individually using separate encryption methods. The Office Action points to parts of col. 11 and parts of col. 7 in asserting that Colligan provides the necessary teaching. However, Colligan is in fact devoid of any such teaching, and is hence inadequate to support the alleged teaching and thus the rejection. It is noted that each and every claim limitation must be fully and properly considered in order to establish *prima facie* obviousness.

Applicants make no claim to sequential multiple encryption of the same data plural times so that multiple keys are required to decrypt. Only one key (either of two) is needed to decrypt according to Applicants' claimed invention, since portions of the content are duplicated with each separately encrypted. Such limitations on the number of keys required for decryption are not explicitly required by the claims, since it inherently flows from duplication of content and encryption of the duplicate content using multiple encryption algorithms that possession of a single key is adequate to access at least one copy of the encrypted content.

In order to establish *prima facie* obviousness, it is fundamental and a requirement of the MPEP that each and every feature of the claims must be shown in the cited art. In this case, there is no teaching or suggestion in any of Colligan, Simec or Nardone of duplication of content and encryption of duplicate copies of the content under differing encryption algorithms as claimed. The Office Action quotes the feature from the claims, but the indicated passages fail to teach, suggest or even remotely hint at this claimed feature.

Applicants again ask the Examiner to consider each element of claim 12, as demonstrative of the shortcomings of the rejection as follows:

1	A method of processing digital video content, wherein the digital video content comprises intra-coded frames and inter-coded frames, the method comprising:	
2	duplicating the intra-coded frames;	<u>No teaching or suggestion in Colligan, Nardone, or Simec taken singly or in combination of duplication of the intra-coded frames.</u>
3	selecting a plurality of the intra-coded frames for encryption to produce selected	Nardone only teaches selection of BTUs (which may be an I frame) for single

	frames;	selective encryption.
4	encrypting the selected frames under a first encryption algorithm to produce first encrypted frames;	See 5
5	encrypting the duplicates of the selected frames under a second encryption algorithm to produce second encrypted frames;	Applicants' claims require that multiple sets of encrypted frames be created – a first set of the selected frames are encrypted under the first encryption algorithm while the duplicates of the selected frames are encrypted under the second encryption algorithm. This is neither taught nor suggested by Colligan, Nardone, or Simec taken singly or in combination. The Examiner apparently suggests that this is disclosed in Colligan col. 7, lines 35-59, and col. 11, lines 48-57 – and states that this teaches that “different encryption algorithms may be used”. Respectfully, the claims require more and the claim features are neither taught nor suggested. This failure to properly consider the claim features results in a fatal flaw in the rejection.
6	storing the inter-coded frames in a first file;	See 8
7	storing the intra-coded frames, whether encrypted under the first encryption algorithm or unencrypted, in a second file; and	See 8
8	storing the intra-coded frames, whether encrypted under the second encryption algorithm or unencrypted, in a third file.	As best Applicants can determine, neither Colligan, Nardone, or Simec singly or in combination, disclose the file storage arrangement using three separate files as claimed. The use of the three specified files facilitates VOD server based trick play modes as further claimed in certain of the dependent claims (e.g., claims 17 and 18, for example). Hence, this claim feature has not been accorded proper consideration.

The present Office Action simplifies the issues at hand without addressing the failures in the Office Action to consider all claim features as noted above – only by way of example.

In view of the above, it is submitted that all claims (all contain similar features to those discussed above) are not obviated by the cited combination of art in view of the requirements of MPEP 2143.03 which requires that all claim limitations must be taught or suggested in order to establish *prima facie* obviousness. The above clearly establishes that certain of the claim features have not been fully and properly considered. Hence, it is submitted that *prima facie* obviousness has not been established and all claims are in condition for allowance.

#### Concluding Remarks

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In the event the Examiner feels that the current arguments do not address all rejections fully and render the claims patentable, the undersigned the undersigned respectfully requests the courtesy of an interview, either in person or telephonic at the Examiner's convenience. The undersigned can be reached at the telephone number below and sincerely wishes to avoid the necessity of a costly and unnecessary appeal of this matter.

Respectfully submitted,

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